IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MCA/105/2006

Smt. Ujjwal Sunil Pardeshi ... Applicant
vs.
Sunil Motilal Pardeshi ... Respondent

Mr. R.D.Suryawanshi for applicant
Mr. P.N. Karlekar for respondent

CORAM: D. G. KARNIK **J.**

DATE: 7th November 2006

P.C.:

1. Heard learned counsel for the parties.
2. This appeal is filed by the applicant wife for transfer of marriage petition No. 118 of 2006 filed by the respondent from the court of Civil Judge, Senior Division, Dhule, to the Court of Civil Judge, Senior Division, Thane, for disposal according to law.
3. The respondent and the applicant are husband and wife. The marriage was solemnized at Kusumba, Dist. Dhule on 1st May 1997. The respondent filed HMP No. 118 of 2006. For dissolution of the marriage in the court of Civil Juge, Senior Division, Dhule. The applicant and the respondent are residing separately. The applicant presently stays with her parents at Thane. In the transfer petition she has alleged that her financial position is not sound and she is unable to bear

the travel expenses. She has further stated that the respondent is a landlord and businessman and it is feasible for him to travel from Dhule to Thane. The petitioner has further stated that the distance between Dhule and Thane is about 400 kms., and she cannot travel alone and therefore she is unable to defend the proceedings. These aver are not denied by the petitioner by filing any affidavit in reply. In the case of a marriage petition, the convenience of the wife to go to the court where the petition is pending for defending the petition, is required to be considered. Taking into consideration the averments made in the petition and the fact that the respondent has not filed any affidavit in reply denying the averments, I am of the view that, it would be extremely convenient for the petitioner wife to defend the marriage petition if this application is not allowed.

4. For these reasons, the application is allowed and the matrimonial proceedings bearing No. HMP No. 118 of 2006 filed by the respondent against the petitioner in the court of Civil Judge, Senior Division, Dhule, is withdrawn from its file and transferred to the Court of Civil Judge, Senior Division, Thane, for hearing and disposal in accordance with law.

(D.G. KARNIK J.)